

07/08/2008 13:21 3

DAVID HURWITZ PC

PAGE 05/08

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

Miranda D'Ancona, Marle Rupert, Doris Kaufman

SUMMONS IN A CIVIL ACTION

V.

D&R Transport (AKA P.S. Inc), Donald P. Moore

CASE NUMBER:

07 CV 5788

JUDGE SWAIN

TO: (Name and address of Defendant)

D&R Transport (AKA P.S. Inc.),
1154 Highway 109 N, Lebanon, TN 37090

Donald P. Moore
16 Donald Dr., Candler, NC 28715

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

A Joseph Tandet
488 Madison Avenue, Suite 1100
New York, NY 10022

an answer to the complaint which is served on you with this summons, within 30 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

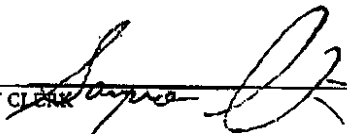
J. MICHAEL McMAHON

JUN 19 2007

CLERK

DATE

(By) DEPUTY CLERK



- (a) Jurisdiction founded on a diversity of citizenship and amount.
- (b) Plaintiff Miranda D'Ancona is a citizen of the State of New York.
- (c) Plaintiff Marie Rupert is a citizen of the State of New York
- (d) Upon knowledge and information sufficient to form a belief, Defendant D&R Transport is a corporation incorporated under the laws of the state of Tennessee, having its principal place of business in a State other than the State of New York.
- (e) Defendant Donald Moore at all times hereinafter mentioned, upon information and belief was an employee of D&R Transport and residing in the State of North Carolina.
- (f) The matter in controversy exceeds, exclusive of interest and costs, the sum of \$1,000,000.00
- (g) On February 19, 2007 on a public highway called Christopher Street in the Borough of Manhattan, City and State of New York, Defendant, D&R Transport (AKA P.S. Inc) through its servant, agent and/or employee Donald P. Moore

drove a motor vehicle, specifically an 18 wheeler trailer truck, negligently onto the public highway known as Christopher Street, causing D & R Transport's truck to strike Plaintiffs Miranda D'Ancona, Marie Rupert and Doris Kaufman, who were then lawfully walking upon the sidewalk of this public highway Christopher Street in the Borough of Manhattan, City and State of New York.

- (h) The following occurred as a result of the Defendant's negligence:

Plaintiff Miranda D'Ancona was thrown down to the ground and had her leg broken in many places, after having been struck by a fire hydrant caused to strike the Plaintiff by Defendant's truck. The Fire Hydrant was located on Christopher Street, and by striking Plaintiff caused her to sustain severe and permanent personal injuries.

Plaintiff Marie Rupert was thrown down and had her leg and her body severely injured, causing her to suffer great pain of body and mind.

Doris Kaufman was thrown down and sustained severe emotional and cerebral injuries, causing her to suffer great pain of body and mind, and she sustains emotional trauma.

- (i) All three Plaintiffs have suffered great pain of body and mind solely through the recklessness, carelessness and negligence of the Defendant, its servants, agents and/or employees, and without any fault of the Plaintiffs contributing thereto.
- (j) All three Plaintiffs named incurred extensive expenses for medical attention and hospitalization.
- (k) That the Plaintiff Miranda D'Ancona has suffered severe permanent injuries and fractures and has been confined to the hospital since the date of the accident,

07/08/2008 15:27 3

DAVID HURWITZ PC

PAGE 08/08

February 19, 2007, and will continue to be confined for the foreseeable future.

Plaintiff Miranda D'Ancona has incurred expenses for medical attention and hospitalization in excess of \$500,000.00.

- (l) That Plaintiff Marie Rupert has suffered severe permanent injuries and is confined to bed and home, incurring expenses for medical expenses in the sum of \$300,000.00 and has sustained permanent disability, causing her to receive continual medical treatment.
- (m) Doris Kaufman has suffered emotional trauma and post-traumatic stress disorder, and has incurred expenses for medical attention in the sum of \$200,000.00.

WHEREFORE, Plaintiffs demand judgment against Defendants in the following manner:

Miranda D'Ancona: \$500,000.00 against Defendants jointly and severally;

Marie Rupert: \$300,000.00 against Defendants jointly and severally;

Doris Kaufman: \$200,000.00 against Defendants jointly and severally;

all together with costs, disbursements and such other and further relief as this Court deems just and proper.

Dated: New York, New York
June ____, 2007

A. Joseph Tandet
Attorney for Plaintiffs
488 Madison Avenue - Suite 1100
New York, NY 10022
212-486-9494

Attorney Bar Code: AT9078